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Booth Udall, PLC 1155 W Rio Salado Parkway Suite 101 Tempe, AZ 85281				
EXAMINER				
KOPPIKAR, VIVEK D				
ART UNIT		PAPER NUMBER		
3686				
NOTIFICATION DATE		DELIVERY MODE		
12/05/2011		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

steven@boothudall.com  
hbarnes@boothudall.com

**Office Action Summary****Application No.**

09/510,607

**Applicant(s)**

KENNEDY, BRIAN M.

**Examiner**

VIVEK KOPPIKAR

**Art Unit**

3686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) 53-74 is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 7) ☒ Claim(s) 53-74 is/are rejected.
- 8) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

## **DETAILED ACTION**

### ***Status of the Application***

1. Claims 43-74 have been examined in this application. This communication is the first action on the merits since the applicant filed a Request for Continued Examination (RCE) on October 14, 2011. The Information Disclosure Statement (IDS) filed on June 30, 2011 has been acknowledged by the Office.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 43-48, 50-56, 58-64, 66-72 and 74 rejected under 35 U.S.C. 103(a) as being unpatentable over EP 425,402 A2 to James in view of US Patent Number 5,459,656 to Fields in view "The keys to the enterprise; integrated applications drive information systems to new horizons-enterprise wide integration" (hereinafter referred to simply as Rhodes).

(A) As per claim 43, James teaches a computer-implemented system for managing data associated with available-to-promise (ATP) products (James: Page 5, Col. 2, Ln. 32-49):

James does not teach the following:

a memory storing seller models, each seller model representing a seller of a product, wherein:

the parent seller is represented by a seller model, and;

the parent seller forecasts sales of the product.

These features are taught by Fields (Col. 2, Ln. 1-9; Col. 3, Ln. 41-53; and Col. 5, Ln. 46-63). At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified James with these teachings from Fields with the motivation of having an enhanced means of providing products in a timely manner as recited by Fields (Col. 1, Ln. 37-43).

The combination of James in view of Fields does not teach nor suggest a hierarchy of seller models which comprise a parent seller and at least two sub-sellers associated with the parent seller, however, these features are taught by Rhodes (Text Version of the document of Rhodes-NPL: Pages 4-5). Rhodes also teaches a processor coupled with the memory, wherein the processor:

computes an amount of the product that is ATP at the at least one seller represented by a seller model according to, at least, planned supply of the product, one or more customer orders for the product through one or more sellers represented by at least one of the seller models, a pre-allocated supply of the product to the at least one seller represented by a seller model, and an amount of the product that is ATP at one or more sellers within the hierarchy of sellers;

adjusts the pre-allocated supply of the product to the at least one seller represented by a seller model according to customer orders across a time horizon and recomputes the amount of the product that is ATP at the at least one seller represented by a seller model according to the adjusted pre-allocated supply.

At the time of the invention, it would have been obvious for one of ordinary skill in the art to have modified the combined teachings of James in view of Fields with these

aforementioned features from Rhodes with the motivation of having a means of allowing access to relevant data, facilitating fast decision making and providing material and resource management information to sales and marketing teams (Text Version of the document of Rhodes NPL—Page 4—Abstract).

The combined teachings of James in view of Fields in view of Rhodes do not teach nor suggest these features, however, the Office takes the position that these features are inherent in the concept of available to promise disclosed by James (Col. 2, Ln. 32-49):

two or more of the at least two sub-sellers associated with the parent seller do not commit to sell an amount of the product included in the sales forecasted by the parent seller; and

(the invention) requires a sub-seller of the two or more of the at least two sub-sellers to be ATP at the parent seller prior to authorizing the portion of the product to be promised by the sub-seller.

B) As to claim 44, James in view of Fields in view of Rhodes does not explicitly disclose the system of Claim 43, further operable to adjust the pre-allocated supply of the product to the at least one seller represented by a seller model according to one or more business criteria selected from the group consisting of seller criteria, product criteria, forecast criteria, supply criteria, customer order criteria, and policy criteria.

However, Rhodes discloses the system of Claim 43, further operable to adjust the pre-allocated supply according to one or more business criteria selected from the group consisting of seller criteria, product criteria, forecast criteria, supply criteria, customer order criteria, and policy criteria (i.e. forecasting and DRP)(page 3). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the system of Claim 43, further

operable to adjust the pre-allocated supply according to one or more business criteria selected from the group consisting of seller criteria, product criteria, forecast criteria, supply criteria, customer order criteria, and policy criteria as disclosed by Rhodes within the James and Fields combination for the motivation of allowing access to relevant data, facilitating fast decision making and providing material and resource management information to sales and marketing teams (page 1).

(C) As to claim 45, James in view of Fields in view of Rhodes do not explicitly disclose the system of Claim 43, further operable to:

communicate forecast models to a remote system; receive from the remote system a promise computed at the remote system for a customer order requesting a quantity of a product through the at least one seller represented by a seller model, the promise being computed according to the allocated supply;

receive from the remote system adjusted forecast models reflecting the promise; and recompute the amount of the product that is ATP at each seller.

However, James discloses receiving a promise for a customer order requesting a quantity of a product through each seller, the promise being computed according to the allocated supply (see abstract, page 5, col. 1, lines 33-59 and page 6, col. 1, lines 18-30). James further discloses receiving a promise for a customer order requesting a quantity of a product through each seller, the promise being computed according to the allocated supply re-computing the amount of the product that is ATP at each seller (page 3, col. 2, line 48 - page 4, col. 1, line 1). In addition, Fields discloses receiving adjusted forecast models reflecting the promise (i.e. variation between actual demand and the forecasted demand is used to update base and influence profiles and the

forecasted demand is re-determined)(see abstract and col. 15 and col. 21, line 18 - col. 22, line 12).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include receiving adjusted forecast models reflecting the promise as disclosed by Fields within the James system in order to provide products in timely response to customer demands (col. 1, lines 37-43).

Although James and Fields do not explicitly disclose remotely located systems, Rhodes discloses enterprise wide integration of sales, marketing, material and resource systems (i.e. SOP)(see abstract). Rhodes further discloses that forecast information is communicated to a remote system (i.e. forecasting is used to drive the master production schedule) (page 3, lines 11-25). The remote system transmits a promise reflecting a customer order requesting a quantity of a product through each seller, the promise being computed according to the allocated supply (i.e. MPS linked with order management such that when a customer places an order..., to determine what's currently in production to give viable available to promise dates)(page 3, lines 12-25).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include performing the steps of claim 13 in remotely located systems within the James and Fields combination for the motivation of achieving business goals such as improved customer service, increased productivity and greater profitability (page 1, lines 43-45 and page 2, lines 14-25).

James and Fields do not explicitly disclose computing a promise for the customer order, the promise being computed according to the pre-allocated supply of the product.

However, Rhodes discloses computing a promise for the customer order, the promise being computed according to the pre-allocated supply of the product (page 3).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include computing a promise for the customer order, the promise being computed according to the pre-allocated supply of the product as disclosed by Rhodes within the James and Fields combination for the motivation of allowing access to relevant data, facilitating fast decision making and providing material and resource management information to sales and marketing teams (page 1).

(D) As to claim 46, James in view of Fields in view of Rhodes does not explicitly disclose the system of Claim 45, wherein: all forecast models for one or more sellers are communicated to the remote system; the system receives from the remote system a promise also computed according to the amount of product that is ATP at one or more other sellers; and adjust the amount of the product that is ATP at one or more other sellers if the promise exceeds the allocated supply for each seller.

However, James discloses receiving a promise for a customer order computed according to the amount of product that is ATP at one or more other sellers (see abstract, page 5, col. 1, lines 33-59 and page 6, col. 1, lines 18-30). James further discloses adjusting the amount that is ATP at one or more other sellers if the promise exceeds the allocated supply for each seller (page 3, col. 2, line 48 - page 4, col. 1, line 1). In addition, Fields discloses receiving forecast models for one or more sellers (see abstract and col. 6, lines 35-60).



It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include receiving forecast models for one or more sellers within the James system in order to provide products in timely response to customer demands (col. 1, lines 37-43).

Although James and Fields do not explicitly disclose remotely located systems, Rhodes discloses enterprise wide integration of sales, marketing, material and resource systems (i.e. SOP)(see abstract). Rhodes further discloses that forecast information is communicated to a remote system (i.e. forecasting is used to drive the master production schedule) (page 3, lines 11-25). The remote system transmits a promise reflecting a customer order requesting a quantity of a product through each seller, the promise being computed according to the allocated supply (i.e. MPS linked with order management such that when a customer places an order..., to determine what's currently in production to give viable available to promise dates)(page 3, lines 12-25).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include performing the steps of claim 13 in remotely located systems within the James and Fields combination in order to achieve business goals such as improved customer service, increased productivity and greater profitability (page 1, lines 43-45 and page 2, lines 14-25).

James and Fields do not explicitly disclose adjusting the amount that is ATP at one or more sellers if the promise exceeds the pre-allocated supply of the product to each seller.

However, Rhodes discloses adjusting the amount that is ATP at one or more sellers if the promise exceeds the pre-allocated supply of the product to each seller (page 3). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include

adjusting the amount that is ATP at one or more sellers if the promise exceeds the pre-allocated supply of the product to each seller as disclosed by Rhodes within the James and Fields combination for the motivation of allowing access to relevant data, facilitating fast decision making and providing material and resource management information to sales and marketing teams (page 1).

(E) As to claim 47, James in view of Fields in view of Rhodes does not explicitly disclose the system of Claim 43, wherein the forecast model further represents a quantity of the product each seller has committed to selling, the system operable to adjust the pre-allocated supply of the product to the at least one seller represented by a seller model for each seller according to the committed quantity.

However, Rhodes discloses the system of Claim 43, wherein the forecast model further represents a quantity of the product each seller has committed to selling, the system operable to adjust the pre-allocated supply of the product for each seller according to the committed quantity (i.e. link sales and marketing strategies to material and resource scheduling)(page 3). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the system of Claim 43, wherein the forecast model further represents a quantity of the product each seller has committed to selling, the system operable to adjust the pre-allocated supply of the product for each seller according to the committed quantity as disclosed by Rhodes within the James and Fields combination for the motivation of allowing access to relevant data, facilitating fast decision making and providing material and resource management information to sales and marketing teams (page 1).

(F) As to claim 48, James in view of Fields in view of Rhodes discloses the system of Claim 43, further operable to:

accept a customer order requesting a quantity of a product through the at least one seller represented by a seller model (page 6, col. 1, lines 38-50). James does not explicitly disclose compute a promise for the customer order according to the planned supply and one or more existing customer orders, the promise restricted according to the pre-allocated supply of the product.

However, Rhodes discloses computing a promise for the customer order according to the planned supply and one or more existing customer orders, the promise restricted according to the pre-allocated supply of the product (page 3). It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include computing a promise for the customer order according to the planned supply and one or more existing customer orders, the promise restricted according to the pre-allocated supply of the product as disclosed by Rhodes within the James and Fields combination for the motivation allowing access to relevant data, facilitating fast decision making and providing material and resource management information to sales and marketing teams (page 1).

(G) As to claim 50, James discloses the system of Claim 43, further operable to adjust either the forecasted sales or the pre-allocated supply for a product to the at least one seller represented by a seller model according to an arrival rate of customer orders for the product through the at least one seller represented by a seller model (page 5, col. 1, line 33 - col. 2, line 18 and page 6, col. 1, lines 38-50).

(H) As per claims 51-56, 58-64, 66-72 and 74, these claims are substantially similar to Claims 43-48 and 50 and are therefore rejected on the same basis, which is set forth above.

4. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over James, Fields, Rhodes as applied to claim 43 above, and further in view of Frank O. Smith, "Dun & Bradstreet Software Delivers Sales and Promotion System to Manufacturers" (hereinafter Smith).

(A) As to claim 49, James does not explicitly disclose the system of Claim 43, wherein: each forecast model is extensible such that one or more policy rules may be associated with the corresponding product; each policy rule comprises a restriction on either the forecasted sales or the pre-allocated supply of the product to the at least one seller represented by a seller model; and either the forecasted sales or the pre-allocated supply of the product to the at least one seller represented by a seller model is computed according to the policy rules.

However, Smith discloses each forecast model is extensible such that one or more policy rules may be associated with the corresponding product (i.e. SPS allows manufacturers to create and manage special product promotions based on product categories or items)(page 1, lines 21-30). Smith further discloses each policy rule comprises a restriction on either the forecasted sales or the allocated supply for each seller (i.e. price and discount effectively dating)(page 2, lines 1-5). Finally, Smith discloses either the forecasted sales or the allocated supply is computed according to the policy rules (i.e. The system takes into account impact of scheduling the requested customer orders with orders already in progress.(page 4, col. 2, lines 35-47, page 5, col. 1, lines 37-40 and page 6, col. 2, lines).

It would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the features of Smith within the James, Fields and Rhodes combination for the motivation of speed and ease of online management of orders tied to special promotions (page 1, lines 32-34).

(B) As per claims 57, 65, and 73, these claims are substantially similar to Claim 49 and are therefore rejected in the same manner as this claim, which is set forth above.

### ***Response to Arguments***

5. Applicant's arguments with respect to claims 43-74 have been considered but are moot in view of the new grounds of rejection set forth above.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Koppikar, whose telephone number is (571) 272-5109. The examiner can normally be reached from Monday to Friday between 8 AM and 4:30 PM.

If any attempt to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Jerry O'Connor, can be reached at (571) 272-6787. The fax telephone numbers for this group are either (571) 273-8300 or (703) 872-9326 (for official communications including After Final communications labeled "Box AF").

Another resource that is available to applicants is the Patent Application Information Retrieval (PAIR). Information regarding the status of an application can be obtained from the (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAX. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair->

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direct.uspto.gov. Should you have questions on access to the Private PAIR system, please feel free to contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Applicants are invited to contact the Office to schedule an in-person interview to discuss and resolve the issues set forth in this Office Action. Although an interview is not required, the Office believes that an interview can be of use to resolve any issues related to a patent application in an efficient and prompt manner.

Sincerely,

/Vivek D Koppikar/

Primary Examiner, Art Unit 3686

11/30/2011